

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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| James A. Burk, Jr., et al., | : | |
| | : | |
| Plaintiffs, | : | Civil Action No. 2:20-cv-6256 |
| | : | |
| v. | : | Judge Graham |
| | : | |
| City of Columbus, et al., | : | Magistrate Judge Vascura |
| | : | |
| Defendants. | : | |

**PLAINTIFFS' PROPOSED QUESTIONS FOR
COURT-CONDUCTED PORTION OF VOIR DIRE**

Plaintiffs James Burk and Summer Hilfers propose the following voir dire topics and questions for the Court to consider asking potential jurors during the Court-conducted portion of voir dire.

I. Familiarity with Jury Service or Court System

A. Has anyone ever served as a juror?

1. Explain when and where.
2. Describe the nature of the case.
3. How would you describe your past experience as a juror?
4. How did your experience leave you feeling about our civil (or criminal) justice system?

B. Has anyone ever been a party to a lawsuit?

1. Explain when and where.
2. Describe the circumstances.
3. How did your experience leave you feeling about our civil justice system?

C. Has anyone ever testified in court as a witness?

1. Explain when and where.

2. Describe the type of case.

D. Has anyone ever worked for the federal courts?

E. Has anyone ever graduated from law school?

II. Familiarity with the Case and People Involved

A. In this case, the plaintiff James Burk, alleges that two City of Columbus police officers, Joseph Fihe and Kevin Winchell, unlawfully detained and arrested him and used excessive force. At the time of the incident, Mr. Burk was performing his duties as an Agent with the United States Bureau of Alcohol, Tobacco, and Firearms. Before today, has anyone heard anything about this case or seen anything online?

B. Mr. Burk's wife, Summer Hilfers, also alleges claims that I will explain later. Mr. Burk and Ms. Hilfers used to live in Loveland in Southwest Ohio, and they now live in Cookeville, Tennessee.

1. Does anyone know Mr. Burk or Ms. Hilfers?

2. Or has anyone heard of them before even if you don't know them personally?

C. The Defendants Joseph Fihe and Kevin Winchell are both officers with the City of Columbus Division of Police.

1. Does anyone know Detective Fihe or Officer Winchell?

2. Or has anyone heard of them before even if you don't know them personally?

D. Bart Keyes and Abby Chin from the Columbus law firm Cooper Elliott are representing the Plaintiffs.

1. Does anyone know these lawyers or the Cooper Elliott firm? If so, how?
2. Have any of your family members or friends had any dealings with the Plaintiffs' lawyers or their law firm?

E. Alexandra Pickerill, Sheena Rosenberg, and Sarah Feldkamp from the Columbus City Attorney's Office are representing the Defendants.

1. Does anyone know these lawyers or other lawyers or staff from the Columbus City Attorney's Office? If so, how?
2. Have any of your family members or friends had any dealings with the Defendants' lawyers or the Columbus City Attorney's Office?
3. Have you ever worked for the City of Columbus?
4. Have any of your family members or friends worked for the City of Columbus?

F. Does anyone already know me (Judge Graham) or have you had any cases or other dealings with me?

G. Aside from the parties, the following people may also testify as witnesses. If you recognize any of the names or think you may know any of these individuals, please raise your hand when I say the name.

1. Scott Defoe
2. Dr. James Rubright
3. Dr. Joseph Bienvenu
4. Harvey Rosen
5. Roland Herndon
6. Sarah Al-Maliki

7. Patrick Vehr
8. Keith Leighton
9. Dr. LaRae Copley
10. Dr. Christopher Holzaepfel
11. Dr. Randall Wroble
12. Bruce Growick

III. Hardship Questions

- A. Does anyone face significant hardships if they were to sit on this jury? (Follow up to explain that this case may likely spill over into a second week.)
- B. This case is starting during the onset of the flu and COVID-19 season. Does anyone have any health concerns related to that? (If you're uncomfortable talking about this, we'll take a break before too long and you can privately mention it to my courtroom deputy so that we can follow up.)
- C. This trial is occurring during the presidential election. Will anyone have difficulties focusing on this case while they are present in the courtroom?
- D. This case includes video with audio and audio evidence. Does anyone have difficulty hearing?
- E. This case may involve documents displayed on computer screens. Does anyone have difficulty seeing?

IV. Experience with Facts of the Case

- A. Has anyone ever served as a law enforcement officer, whether local, state, or federal? (Follow up to explain experience and how it might affect views of the case.)

- B. Anyone had a family member or friend serve as a law enforcement officer, whether local, state, or federal? (Follow up to explain experience and how it might affect views of the case.)
- C. Has anyone ever been detained or arrested by the police? (If you're uncomfortable talking about this, we'll take a break before too long and you can privately mention it to my courtroom deputy so that we can follow up.) (Follow up to explain experience and how it might affect views of the case.)
- D. Has anyone ever owned a gun? Do you have your concealed carry?
- E. Has anyone ever been prohibited from purchasing or owning a firearm, or had to turn one in because of a background check issue? (If you're uncomfortable talking about this, we'll take a break before too long and you can privately mention it to my courtroom deputy so that we can follow up.) (Follow up to explain experience and how it might affect views of the case.)
- F. Has anyone ever been involved in a situation where their immigration status was in question? (If you're uncomfortable talking about this, we'll take a break before too long and you can privately mention it to my courtroom deputy so that we can follow up.) (Follow up to explain experience and how it might affect views of the case.)
- G. Has anyone suffered physical injuries or emotional distress in an incident where someone else was at fault for causing them? (Follow up to explain experience and how it might affect views of the case?)
- H. Does anyone have an issue with the use of profane language?
- I. Has anyone ever had a gun pointed at them?
- J. Has anyone ever been handcuffed?

- K. Had anyone ever been tased?
- L. Has anyone ever had their identity questioned by another person after telling them who you were or showing some form of identification?
- M. Has anyone ever worked for the federal government?

Because voir dire is a dynamic process, it is impossible to capture every possible relevant topic or question. Accordingly, Plaintiffs' counsel reserves the right address additional topics during counsel's portion of voir dire, as well as to ask follow-up questions relating to the areas above.

Respectfully submitted,

/s/ Barton R. Keyes

Rex H. Elliott (0054054)

Barton R. Keyes (0083979)

Abigail F. Chin (0097928)

Cooper Elliott

305 West Nationwide Boulevard

Columbus, Ohio 43215

(614) 481-6000

(614) 481-6001 (fax)

rexe@cooperelliott.com

bartk@cooperelliott.com

abbyc@cooperelliott.com

Attorneys for Plaintiffs

James Burk and Summer Hilfers

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Plaintiffs' Proposed Questions for Court-Conducted Portion of Voir Dire was filed electronically and served electronically on the following counsel of record, this 29th day of October, 2024:

Alexandra N. Pickerill, Esq.
Sheena D. Rosenberg, Esq.
Sarah N. Feldkamp, Esq.
Assistant City Attorneys
City of Columbus, Department of Law
Zach Klein, City Attorney
77 North Front Street
Columbus, Ohio 43215
anpickerill@columbus.gov
sdrosenberg@columbus.gov
snfeldkamp@columbus.gov

Attorneys for Defendants

/s/ Barton R. Keyes _____